

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

UNITED STATE OF AMERICA

V.

CRIMINAL NO. 3:16CR54HTWFKB

MARK LONGORIA

MOTION TO CONTINUE SETNENCING HEARING

COMES NOW Defendant, Mark Longoria, through his attorney Thomas Fortner, and respectfully requests this honorable Court to continue the sentencing hearing in this case currently set for 9:30 A.M. on January 30, 2017 for the following reasons:

1. Mr. Longoria was charged by criminal information dated July 25, 2016. He had an Initial Appearance before the Federal Magistrate on August 3, 2016 and was released on bond. On that same date he appeared before the United States District Court, waived indictment and entered a plea of guilty to the charge contained in the Information. He was allowed to remain free on bond, and his sentencing was set for October 13, 2016.
2. On September 27, 2016 Mr. Longoria's attorney filed a Motion to Continue the sentencing hearing set for October 13, 2016. Mr. Longoria had complied with all conditions of his release; he had fully cooperated with the federal probation office concerning his presentence investigation report; he had developed kidney stones for which he was then being treated; and the younger of his two daughters was to be married on November 19, 2016. The Government had no objection to the request by Mr. Longoria, and the Court granted the continuance to a later date to be set in January, 2017.
3. Mr. Longoria's second and eldest daughter now has a wedding date of April 9, 2017. On January 19, 2017 the Court set Mr. Longoria's sentencing hearing for January 30, 2017.

While Mr. Longoria's medical condition is now under control, he is requesting the Court to consider setting his sentencing hearing for a date after his daughter's wedding scheduled for April 9, 2017. The crime to which Mr. Longoria pled guilty has a maximum sentence of five (5) years; his presentence investigation report concludes that he has a total offense level of 27; and he has no previous criminal history. While Mr. Longoria is hopeful, he also recognizes the possibility of losing his freedom at sentencing. He and his wife have been married since 1988, and his presence at their daughter's wedding on April 9, 2017 is important to his entire extended family.

4. In addition Mr. Longoria's attorney has been extremely involved in several other unrelated criminal cases since receiving the presentence investigation report and is still preparing his response and receiving character reference letters written by family, friends and business associates of Mr. Longoria. Additional time is therefore also requested to allow Mr. Fortner the necessary time to complete his response.
5. Mr. Fortner has attempted to contact the Government's attorney several times to discuss this request, but counsel for the Government had been extremely busy and unable to respond. However, while the Government is surely prepared for sentencing, Mr. Fortner has no reason to believe that the Government would be prejudiced in any way by a continuance or that the Government would have any objection to this request. Mr. Longoria accepted responsibility for his role in this matter in an extremely timely manner, and he has cooperated as completely as possible in the resolution of this charge.
6. Mr. Longoria, by requesting this continuance, would waive all constitutional, statutory and rule created rights to speedy sentencing hearing in this case.

WHEREFORE, PREMESIS CONSIDERED, the Defendant respectfully requests this honorable Court to continue the sentencing hearing currently set for January 30, 2017.

Respectfully submitted this the 23rd day of January, 2017.

By: /s/ Thomas M. Fortner
THOMAS M. FORTNER,
Attorney for Mark Longoria

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CERTIFICATE OF SERVICE

I, Thomas M. Fortner, do hereby certify that I have this day served a true and correct copy of the *Motion to Continue Sentencing Hearing* to the United States Attorney, Gregory K. Davis by electronic filing via the United States District Court, Southern District of Mississippi's web site.

THIS the 23rd day of January, 2017.

/s/ Thomas M. Fortner
Thomas M. Fortner
Attorney for Mark Longoria